

REMARKS

Upon entry of this amendment, independent claim 1 with dependent claims 2-14 and 16-20 will be present in the application.

Claim 1 has been amended to recite that the at least one inlet is located at the reject outlet or immediately below the reject outlet. Such structure is disclosed on page 2, lines 24-27, and page 7, lines 20-22, of the subject specification. The Applicant respectfully submits that the amendments do not introduce new matter.

Claims 1-6, 8, 13, 14 and 16-18 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. 4,268,381 (Hooper) in view of U.S. 5,119,953 (Atkeison), Applicant's Admitted Prior Art, and U.S. 6,290,067 (Bergdahl et al.), the Office Action contending that Figure 4 of Hooper discloses at least one inlet for dilution water. Hooper teaches that

The second dilution water system has a flanged water inlet 57 and a water inlet duct 58 leading to an outer annular chamber 59 surrounding the inner annular chamber 53 but extending up only into the interior of the lower portion of the impeller 36. Holes 60 on the top and/or side surface of the outer annular chamber 59 allow dilution water to flow into the lower portion and exit through the holes 49 in the peripheral wall of the impeller into the gap 46 between the pairs of blades 43 and 45 below the middle plate 48 and thus flow outward to the screen plate 29. (Col. 5, lines 41-51)

The Applicant respectfully submits that there is nothing in the Hooper reference that teaches or suggests that the holes defining the inlet of the dilution water should be located adjacent the reject outlet, as is recited in claim 1. Figure 4 of Hooper is a cross-section taken at line 4-4 of Figure 1. Line 4-4 of Figure 1 is located approximately half way up the screening device 10, while the reject chamber 63 is located at the bottom of the screening device 10. Accordingly, the holes 60 cited in the Office Action as the dilution water inlets, are located at a considerable distance from the reject outlet of the screening device 10. "One important indicium of nonobviousness is "teaching away" from the claimed invention by the prior art." In re Braat, 16 USPQ2d 1813, 1814 (Fed. Cir. 1990). Hooper clearly teaches away from dilution water inlets located adjacent the reject outlet.

In addition, the Atkeison reference, the Bergdahl reference and the prior art systems discussed in the subject application do not disclose such a dilution water inlet. MPEP § 706.02(j) states "[t]o establish a *prima facie* case of obviousness, three basic criteria must

be met. ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." See also MPEP §§ 2142 and 2143. Since the cited prior art does not disclose at least one dilution inlet adjacent to a reject outlet, the rejection is deficient and must be withdrawn.

To further differentiate the subject invention from the prior art, claim 1 has been amended to recite that at least one inlet for dilution water is located at the reject outlet or immediately below the reject outlet. As noted above, the Hooper reference teaches away from dilution water inlets located adjacent the reject outlet. The holes 60 of the Hooper reference cannot be considered to be located at the reject outlet or immediately below the reject outlet given the disclosure of Figures 1 and 4.

As taught by the subject specification, placement of at least one dilution water feed in at the reject outlet, particularly immediately below it, causes the reject to be diluted with the water. "This dilution has a favorable effect, particularly in a multi-stage screen design, where the reject from one stage is also the feed to the following stage." Page 2, line 24, to page 3, line 3. "With the feed pipes for dilution water 10a', 10b' and 10c', the consistency of the pulp suspension flowing to the next separation unit can be controlled effectively." Page 8, lines 1-3. Positioning the dilution water inlets as recited in the subject claims provides improved performance compared to conventional screening devices. Accordingly, the subject invention cannot be considered to be a trivial change with respect to the prior art. Therefore, the subject claims must be allowed.

The various dependent claims add additional features to the independent claims, and are therefore believed to be allowable. Also, the dependent claims are believed patentably distinct on their own merits as being directed to combinations not suggested by the references.

In view of the above-directed amendments and the proceeding remarks, prompt and favorable reconsideration is respectfully requested.

Respectfully submitted,
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